

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOYCE A. SKALA,	)	
	)	4:13CV3163
Plaintiff,	)	
v.	)	MEMORANDUM AND ORDER ON
	)	PLAINTIFF'S APPLICATION TO
	)	PROCEED IN DISTRICT COURT
SUSAN P. LEWIS,	)	WITHOUT PREPAYING FEES OR COSTS
Defendant.	)	
	)	

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The plaintiff, Joyce A. Skala, has filed an application to proceed in forma pauperis in this action. (ECF No. 2.) The declaration submitted by Skala in support of her application indicates that she receives “gross pay or wages” in the amount of \$968.00, but the declaration does not indicate how frequently she receives this amount (e.g., monthly, weekly, or some other period). (Id. at 1.) Skala’s declaration also appears to state that this amount is not in fact a wage, but a “social security check.” (Id.) In addition, Skala’s declaration indicates that during the past 12 months, Skala has received income from disability or worker’s compensation payments, but the amount of this income is not clear. (See id.) It is possible that Skala intended to report that she receives no income apart from disability benefits in the form of a \$968 social security check. It is also possible, however, that she receives some form of additional income and failed to specify the amount on her declaration.

Due to the ambiguity in Skala’s application, I cannot determine whether she has sufficient income to pay the applicable fees. See NECivR. 3.3(a) (“A financial affidavit that substantially complies with 28 U.S.C. § 1915(a) and discloses the applicant’s income, assets, expenses, and liabilities must accompany an application to proceed in forma pauperis.”). Skala’s application will therefore be denied without prejudice. She may file a new, corrected application that clearly lists the total amount of income she receives during a particular time period (for example, her total income per month), along with her assets, expenses, and debts; in the alternative, she may pay the filing fee.

**IT IS ORDERED** that Skala's application to proceed in forma pauperis, ECF No. 2), is denied without prejudice to refiling.

Dated September 17, 2013.

BY THE COURT



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Warren K. Urbom  
United States Senior District Judge